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AMENDMENT

Please amend the application as set forth below and consider the following remarks.

In the Claims:

Please cancel Claims 46-50 and 56-59

Please add Claims 60-73 as set forth below.

Claims 1-45 (Previously Cancelled)

Claims 46-50 (Canceled)

51. (previously added) A marker instrument comprising:

a tube comprising:

a lumen;

an axial opening at a proximal end of said tube;

a closed tip at a distal end of said tube;

a side exit port proximal to said closed tip; and

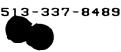
a plurality of marker elements disposed in said lumen.

- 52. (previously added) A marker instrument, according to claim 50 further comprising a portion of said lumen connecting said lumen to said side exit port.
- 53. (previously added) A marker instrument according to Claim 52 wherein said plurality of marker elements includes at least one biodegradable marker element.
- 54. (previously added) A marker instrument according to Claim 53 wherein said plurality of marker elements includes at least one radiopaque marker element.
- 55. (previously added) A marker instrument according to Claim 52 wherein said plurality of marker elements includes at least one radiopaque marker element.

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Claims 56-59 (Cancelled)





60. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

- a lumen; and
- a side exit port communicating with said lumen;

a plurality of tissue markers disposed in said lumen proximal of said side exit port; an element slidably disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.

- (new) The device of Claim 60 wherein at least one of said markers comprises a biodegradable material.
- 62. (new) The device of Claim 60 wherein at least one of said markers is visible using an imaging system.
- 63 (new) The device of Claim 60 wherein at least one of said markers is radiopaque.
- 64. (new) The device of Claim 60 wherein the device is adapted to be inserted through an outer piercing needle of a biopsy instrument.
- 65. (new) The device of Claim 60 wherein at least one of said markers comprises stainless steel.
- 66. (new) The device of claim 60 wherein said tissue markers are disposed end to end in said lumen.
- 67. (new) The device of Claim 60 wherein at least one marker has a shape different from that of at least one other marker.





- 68. (new) The device of Claim 60 wherein at least one marker has a size different from that of at least one other marker.
- 69. (new) The device of Claim 60 wherein said markers are disposed in said lumen such that said markers are deployed one at a time.
- 70. (new) The device of Claim 60 wherein at least one marker comprises a metal.
- 71. (new) The device of Claim 60 wherein at least one marker comprises a non-metallic material.
- 72. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a size different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.





73. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a shape different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.